



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/296,538	04/22/1999	SYED S. ALI	ALI-23-3-11	8506

7590 12/28/2004
FARKAS AND MANELLI PLLC
SEVENTH FLOOR
2000 M STREET N W
WASHINGTON, DC 200363307

EXAMINER

SING, SIMON P

ART UNIT PAPER NUMBER

2645

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/296,538

Applicant(s)

ALI ET AL.

Examiner

Simon Sing

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-20, 22-26 and 28-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-20, 22-26 and 28-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20041217.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claim 30 recites the limitation "said second memory area" in line 10. There is insufficient antecedent basis for this limitation in the claim.
2. Claims 1-9, 11-20 and 28-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The applicant added a new feature, a use accessible (voice message) memory, to these claims in the current amendment. It is confusing to this Examiner of what a user accessible memory is since it is not disclosed in the Specification. Is it a memory chip (IC) which a user is able to install and remove physically, or is it a memory which a user is able to use software tools (such as pointers) to access? In the Remark filed with the current amendment, the applicant argues that in the prior art of Taylor, voice messages stored in a temporary memory area are not accessible to a user, while the voice messages of current invention are stored in a user accessible memory area (page 9). From this argument, this examiner guesses that the applicant meant a user accessible voice message, not a user accessible memory. Please clarify.

In the following office action, the "user accessible voice message memory" or "user accessible first memory area" is interpreted as a memory area where a user accessible voice message is stored.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 28-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Knuth et al. US 5,400,393.

Knuth discloses a voice mail digital telephone answering device in figure 1 with a controller 20. Knuth teaches that a voice message from a caller can either be stored in a common memory area (user accessible memory, or first memory area), or in a user's mailbox whether an access code is entered by a caller (column 2, lines 51-57; column 4, lines 58-66; column 6, lines 60-63). Knuth also teaches that a voice message stored in the common memory area can be moved (deleted from the common memory area) to the user's mailbox (deleted voice message memory, or second memory area) once the user presses his mailbox number during a playback to initiate a transfer (column 6, lines 64-68; column 7, lines 1-6; Abstract). Knuth further teaches dynamically allocating (adjusting) memory to user's mailboxes and the common memory area (column 2, lines 30-38; column 5, lines 22-29).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 12 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones US 6,522,727 in view of Becker et al. US 5,699,411.

Jones discloses a system a method for archiving voice messages in figures 1-5.

Jones teaches:

retrieving a voice messages from voice messages system's memory area (voice message memory) and storing said voice message in a transfer queue upon a user command (column 6, lines 7-13; column 7, lines 16-26, 31-44);

deleting said voice message immediately based on a user's option, from said voice messaging system's memory area (column 8, lines 1-5, 15-19, 33-36);

transmitting said voice message to an archiving system (column 7, lines 53-56) and storing said voice message in the archiving system's memory area (deleted voice message memory) (column 8, lines 43-48; column 9, lines 24-29);

Jones fails to teach compressing said voice message when it is archived.

However, Becker discloses a system for archiving voice messages. Becker teaches compressing archived voice messages to save memory space (figure 15; column 14, lines 27-33).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Jones' reference with the teaching of Becker, so that archived voice messages would have been compressed to save memory space, because such modification would have reduced the size of the archived voice messages so that more voice messages could be stored in a memory area (deleted voice message memory) of the archiving system.

5. Claims 1-3, 12-14, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miner et al. US 6,021,181 in view of Bobick et al. US 6,535,583 and further in view of Young US 6,058,180.

5.1 Miner discloses a voicemail message handling system which has a controller 100 (figure 1) and a message storage memory 204 (figure 3) (column 2, lines 6-9; column 3, lines 25-44; column 4, lines 32-39). Miner teaches a throw_it_away (delete) command after a playback (column 8, line 45). This command removes (deletes) a voice message from a message pile (voice message memory, or first memory area) and places (saves) it into a trash bin (deleted voice messages memory, or second memory area) (column 10, lines 32-39; column 7, lines 25-28). Miner further teaches that a voice message in the trash bin can be retrieved if necessary (column 10, lines 39-41). Miner fails to teach compressing the voice message stored in the trash bin.

However, Bobick discloses a voice message recompression method and apparatus. Bobick teaches compressing a voice message after the voice message has

Art Unit: 2645

been retrieved and played to reduce the size of the voice message (Abstract; column 29, lines 38-53).

Furthermore, Young discloses a voice messaging system in figure 1. Young teaches compressing voice messages to save disk storage space (column 7, lines 66-67; column 8, lines 1-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Miner's reference with the teachings of Bobick and Young so that after played back to a user, a voice message would have been deleted from its memory area, compressed and restored in another memory area, such as a trash bin, because such modification would have reduced the size of the deleted voice message and increased the storage capability of the trash bin.

5.2 Regarding claim 2, Miner teaches a telephone line interface 102 for receiving a voice message (column 3, lines 31-38).

5.3 Regarding claims 3 and 13, as discussed in claims 1 and 12 above, Miner teaches retrieving the voice message from the trash bin (column 10, lines 39-41).

5.4 Regarding claims 14 and 23, Miner teaches a touch tone user interface 154 (figure 2) for managing voice messages (column 4, lines 21-28. Note: the touch tone user interface is mistakenly identified as 158).

Art Unit: 2645

6. Claims 4, 5, 15 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miner et al. US 6,021,181 in view of Bobick et al. US 6,535,583 and further in view of Young US 6,058,180 and further in view of O'Neal US Patent No. 6,411,685.

6.1 Regarding claims 4, 15 and 24, the modified Miner's reference, teaches deleting a voice message, compressing and placing it into a trash bin, but fails to teach to delete the voice message from the trash bin permanently.

However, O'Neal discloses a system for providing a voice message to a user in figure 1 (column 9, lines 14-54). O'Neal teaches a Voicemail Inbox (voice message memory) (figure 9) and a Voicemail Trash Folder (deleted voice message memory) (figure 9). O'Neal further teaches that a voice message may be moved from the Inbox to the Trash Folder (deleted from Inbox and restored in the trash folder) (column 9, lines 30-59) after it is retrieved and played to a user. O'Neal also teaches deleting a voice message from the trash folder permanently (column 9, lines 59-62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Miner's reference, which was modified by Bobick and Young, with the teachings of O'Neal, so that voice messages would have been permanently deleted from the trash bin, because such modification would have enabled a user to delete voice messages from the trash bin to free up memory space.

6.2 Regarding claim 5, Miner teaches a touch tone user interface 154 (figure 2) for managing voice messages (column 4, lines 21-28. Note: the touch tone user interface is mistakenly identified as 158).

7. Claims 6 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miner et al. US 6,021,181 in view of Bobick et al. US 6,535,583 and further in view of Young US 6,058,180 and further in view of O'Neal US Patent No. 6,411,685 and further in view of Pickett et al. US Patent 6,266,340.

The modified Miner's reference, teaches permanently deleting voice messages from the Trash Bin, but fails to teach that the permanently deleting is performed at a predetermined time interval.

However, Pickett discloses a system and method for multiple voice data communication. Pickett teaches that a voice mail is purged (permanently deleted) from memory 424 after a predetermined period of time or at predetermined time interval (periodically) (column 53, lines 37-43, 50-63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Miner's reference, which was modified by Bobick, Young and O'Neal, with the teaching of Pickett so that deleted voice messages in the Trash Bin would have been automatically and permanently deleted after a predetermined period of time or at a predetermined time interval, because such modification would have purged old deleted voice messages to make room for newly deleted voice messages.

8. Claims 7, 8 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miner et al. US 6,021,181 in view of Bobick et al. US 6,535,583 and further in view of Young US 6,058,180 and further in view of O'Neal US Patent No. 6,411,685 and further in view of Garson et al. US Patent 5,689,550.

The modified Miner's reference, teaches permanently deleting voice messages from the Trash Bin, but fails to teach deleting an oldest voice message stored in the trash bin when deleted voice messages reach a predetermined number.

However, Garson discloses an interactive voice messaging system. Garson teaches that when voice messages in a "delete queue" (a memory area) reaches its limit by percentage of memory area, or by number of call (messages), the oldest record is deleted (column 16, lines 23-32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Miner's reference, which was modified by Bobick, Young and O'Neal, with the teaching of Garson so that the oldest voice message in the trash bin would have been automatically and permanently deleted when voice messages in the trash bin reached a predetermined number, because such modification would have enabled the system to automatically maintain a free memory area for newly deleted messages.

9. Claims 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miner et al. US 6,021,181 in view of Bobick et al. US 6,535,583 and further in view of

Young US 6,058,180 and further in view of O'Neal US Patent No. 6,411,685 and further in view of Sweet et al. US Patent No. 5,163,085.

The modified Miner's reference, teaches permanently deleting voice messages from the Trash Bin, but fails to teach deleting the voice message in the trash bin, when deleted voice messages reach a predetermined percentage of the capacity of the Trash Bin.

However, Sweet discloses a digital voice storage and retrieval system in figure 2. Sweet teaches that when voice messages in a voice file reach a predetermined percentage level, the oldest voice messages in the voice file will be deleted (column 12, lines 53-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Miner's reference, which was modified by Bobick, Young and O'Neal, with the teaching of Sweet so that the oldest deleted voice message(s) in the Trash Bin would have been automatically and permanently deleted when deleted voice messages reached a predetermined percentage of its capacity, because such modification would have enabled the system to automatically maintain a free memory area for newly deleted messages.

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miner et al. US 6,021,181 in view of Bobick et al. US 6,535,583 and further in view of Young US 6,058,180 and further in view of Newton US Patent 5,978,757.

The modified Miner's reference, teaches permanently deleting voice messages from the Trash Bin, but fails to teach using a difference bit rate for compressing voice messages in the Inbox and in the Trash Bin.

However, Newton discloses a system and method for post storage message compaction. Newton teaches that new voice mail messages with lower compression ratio, are deleted from new voice message memory area, compressed with a higher compression ratio, and then store in a compressed message memory area (column 4; lines 1-9, 20-32; column 15-18). It is inherent that higher compression ratio has a lower bit rate.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Miner's reference, which was modified by Bobick and Young, with the teaching of Newton so that a deleted voice message would have been compressed with a lower bit ration, because such modification would have reduced the size of the deleted voice message in order to increase the storage capability of the Trash Bin, and a small deterioration in quality (compressed with a lower bit rate) of a deleted voice message would have been acceptable to a user.

11. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miner et al. US 6,021,181 in view of Bobick et al. US 6,535,583 and further in view of Young US 6,058,180 and further in view of Garson et al. US Patent 5,689,550.

The modified Miner's reference, teaches permanently deleting voice messages from the Trash Bin, but fails to teach deleting an oldest voice message stored in the trash bin when deleted voice messages reach a predetermined number.

However, Garson discloses an interactive voice messaging system. Garson teaches that when voice messages in a "delete queue" (a memory area) reaches its limit by percentage of memory area, or by number of call (messages), the oldest record is deleted (column 16, lines 23-32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Miner's reference, which was modified by Bobick and Young, with the teaching of Garson so that the oldest voice message in the trash bin would have been automatically and permanently deleted when voice messages in the trash bin reached a predetermined number, because such modification would have enabled the system to automatically maintain a free memory area for newly deleted messages.

12. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miner et al. US 6,021,181 in view of Bobick et al. US 6,535,583 and further in view of Young US 6,058,180 and further in view of Sweet et al. US Patent No. 5,163,085.

The modified Miner's reference, teaches permanently deleting voice messages from the Trash Bin, but fails to teach deleting the voice message in the trash bin, when deleted voice messages reach a predetermined percentage of the capacity of the Trash Bin.

However, Sweet discloses a digital voice storage and retrieval system in figure 2. Sweet teaches that when voice messages in a voice file reach a predetermined percentage level, the oldest voice messages in the voice file will be deleted (column 12, lines 53-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Miner's reference, which was modified by Bobick and Young, with the teaching of Sweet so that the oldest deleted voice message(s) in the Trash Bin would have been automatically and permanently deleted when deleted voice messages reached a predetermined percentage of its capacity, because such modification would have enabled the system to automatically maintain a free memory area for newly deleted messages.

Response to Arguments

13. Applicant's arguments filed 08/26/2004, regarding claims 1, 12 and 22 over Jones in view of Becker have been fully considered but they are not persuasive.

Applicants argue that Jones's teaches an archiving system, which is different to the current invention, such that conventional archiving only backs up active non-deleted files and Jones fails to teach archiving deleted files.

However, as stated in the last office action, Jones teaches deleting voice messages being sent to archive. As stated in column 6, lines 7-13: "Typically, archiving will be initiated when a user responds to an audio menu by depressing one of the keys on a conventional 12-key telephone keypad to indicate an archive option. When the

voice mail system 10 receives a request for archiving from a user, information on how the archive operation should be performed must be obtained". Jones goes on to teach that archive option is stored in a user's profile of how an original voice message should be deleted (column 6, lines 13-20). Jones also teaches several options for deleting an original voice message in table 3 (column 8), in that one option is delete immediately (column 8, lines 33-37), and another option is delete after transfer (column 9, lines 24-36). From above discussion, Jones clearly teaches archiving deleted voice messages. Furthermore, a deletion in current claimed invention is not a conventional deletion. In a conventional voice messaging system, when a deletion command is received, a voice message is deleted from a storage (memory) area. Since in the current invention, a deletion moves a voice message from one memory area to another memory area, while Jones teaches moving a voice message from a voice messages system memory to an archiving memory, therefore, Jones in view of Becker teaches the claimed limitation of current invention.

Conclusion


14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

Art Unit: 2645

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Sing whose telephone number is (703) 305-3221. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.



S.S.

12/22/2004



FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600